

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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JAMES ANDERSON,

Plaintiff,

v.

Case No. 07-CV-12643

PATRICIA CARUSO, et al.,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S "MOTION FOR  
RE-HEARING IN OPPOSITION OF SUMMARY DISMISSAL  
AND DENIAL OF MOTION TO APPOINT COUNSEL"**

Pending before the court is Plaintiff James Anderson's "Motion for Re-Hearing in Opposition of Summary Dismissal and Denial of Motion to Appoint Counsel," which the court will construe as a motion for reconsideration under Eastern District of Michigan Local Rule 7.1(g)(3). Plaintiff has filed his motion for reconsideration concerning the court's July 24, 2007 order that summarily dismissed his 42 U.S.C. § 1983 civil rights complaint and denied his motion for appointment of counsel. The court dismissed the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A for failure to state a claim upon which relief may be granted.

Plaintiff essentially asserts that the court erred in dismissing his complaint and denying his motion for appointment of counsel. However, a motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952

(E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3). Moreover, the court may not permit Plaintiff to amend his complaint to defeat dismissal under 28 U.S.C. § 1915(e)(2). See *Baxter v. Rose*, 305 F.3d 486, 488-89 (6th Cir. 2002) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997)); see also *Moniz v. Hines*, No. 02-2255, 2004 WL 259214 at \*4 (6th Cir. Feb. 10, 2004). Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Re-Hearing in Opposition of Summary Dismissal and Denial of Motion to Appoint Counsel" [Dkt. # 9] is DENIED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 21, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 21, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522